



March 7, 2025

Ms. Abigale Tardif  
Principal Deputy Assistant Administrator  
Office of Air and Radiation  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

RE: *EPA's Final Rule for New Source Performance Standards (NSPS) for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry.*

Dear Ms. Tardif:

The American Chemistry Council (ACC) and the American Fuel & Petrochemical Manufacturers (AFPM) would like to express our appreciation for the opportunity to meet with you and Patrick Lessard on EPA's final rule for New Source Performance Standards (NSPS) for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry (the HON rule).<sup>1</sup> As explained during our meeting, the sweeping Clean Air Act (CAA) SOCMI NESHAP and NSPS requirements will impact hundreds of domestic manufacturing facilities with unworkable final provisions that must be implemented in accordance with an unachievable timeline. Immediate relief is necessary to avoid severe economic impacts as facilities are preparing for the impending July 2026 compliance deadlines.

After our February 18, 2025 meeting, President Trump issued an Executive Order (EO) titled "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative" (Lawful Governance EO), which directs agency heads to review regulations and identify priority actions that are "overbearing and burdensome" and do not reflect the best reading of the underlying statute.<sup>2</sup> To implement this executive order, EPA should rescind all HON provisions relying on EPA's unlawful second risk review because those regulations are not based on the best reading of CAA § 112(f).<sup>3</sup> Moreover, the improper reliance on CAA § 112(f) to promulgate emissions standards means that EPA made no effort to determine whether the costs of those requirements outweigh the public benefit.<sup>4</sup>

The regulatory costs associated with the final requirements are staggering. As our petition for reconsideration details, EPA acknowledged that the rule's requirements impose costs of \$83 million per cancer case prevented. This value

<sup>1</sup> 89 Fed. Reg. 42932 (May 16, 2024).

<sup>2</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency-regulatory-initiative/>. In Section 2(ii), the EO cites "regulations that are based on unlawful delegations of legislative power." As detailed in the January 17<sup>th</sup> opening industry petitioner brief in the underlying litigation and in comments submitted by Huntsman on the rulemaking, EPA's interpretation of its authority under CAA 112(f), especially as implemented in the HON, constitutes an unlawful delegation of legislative power.

<sup>3</sup> *Id.* at Section 2(iii).

<sup>4</sup> *Id.* at Section 2(v).





alone is not cost-effective, and yet it also vastly underestimates the actual costs per cancer case prevented. Our petition explains that with a more realistic accounting for the true universe of facility impacts, the true cost of each cancer case prevented from EPA's requirements is likely in the hundreds of millions, if not billions, of dollars. Moreover, as previously presented to EPA, the rule imposes eight-figure costs even for some facilities for which EPA has found risks to be acceptable.

Finally, the HON rule's ethylene oxide requirements have sweeping impacts across domestic manufacturing that will cause near-term shutdowns for U.S. facilities and threaten longer term availability of ethylene oxide to critical supply chains for energy production, military applications, medical sterilization uses, and several other uses.<sup>5</sup> As the Lawful Governance EO and other executive orders appropriately recognize, energy and economic security are critical components of America's overall strength and national security.

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The final HON rule is a significant regulatory action that negatively impacts scores of domestic manufacturing facilities. As detailed in brief judicially challenging the HON rule and our petition for reconsideration, the rule does not reflect the best reading of EPA's CAA statutory authority; it imposes millions of dollars of unjustified costs that do not outweigh its benefits; it will have a massive impact across critical supply chains; and it generally impedes the economic and national security of our nation. Rescinding HON provisions promulgated under the CAA § 112(f) authority is critical first step to implementing the Lawful Governance EO and eliminating agency overreach.

We thank EPA for your consideration of this request.

If you have any questions or would like more information, please free to contact me via phone at (202) 249-6423 or email at [Brendan\\_Mascarenhas@americanchemistry.com](mailto:Brendan_Mascarenhas@americanchemistry.com) or Leslie Bellas at [lbellas@afpm.org](mailto:lbellas@afpm.org).

Sincerely,

Brendan Mascarenhas  
Senior Director, Regulatory & Scientific Affairs  
American Chemistry Council

Leslie Bellas  
Vice President, Regulatory Affairs  
American Fuel & Petrochemical Manufacturers

CC: Alex Dominguez, Deputy Assistant Administrator for Mobile Sources, Office of Air and Radiation  
Peter Tsirigotis, Director, Office of Air Quality Planning and Standards  
Penny Lassiter, Director, Sector Policies and Programs Division, Office of Air Quality Planning and Standards  
Patrick Lessard, Refining and Chemicals Group Leader, Office of Air Quality Planning and Standards

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<sup>5</sup> *Id.* at Section 2(vi).

